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CHAPLAIN AS ADVOCATE

Chaplain (MAJ) Edward T. Brogan, USAF

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THE CHAPLAIN AS ADVOCATE

- CLEMENCY
- CONSCIENTIOUS OBJECTION
- HUMANITARIAN
- CHAP
- EARLY RETURN

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This is a nine chapter handbook designed to quickly familiarize chaplains with their roles and opportunities in advocacy actions within the Air Force. The role of the chaplain as advocate is discussed in detail in chapters 1-2. Chapters 3-7 describe the key questions chaplains face and the actions they must take when acting as advocates for counselees in five areas: clemency evaluations, conscientious objector interviews, humanitarian reassignment or deferment requests, CHAP actions, and early return of dependents determinations. Key resources for chaplains both on and off base are listed in Chapter 8, followed by conclusions in Chapter 9. The table of contents and subject index facilitate the use of the handbook.

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PREFACE

The chaplain is often the first helping agent the military family turns to. Because he is called to act as a referral agent or advocate, each chaplain needs to be conversant with important aspects of the personnel, medical, and legal systems of the Air Force. The need for this integrated, systemic knowledge often arises with the chaplain's first counseling case upon entering active duty.

This handbook should help provide initial knowledge for dealing confidently with some common issues: clemency, conscientious objection, humanitarian reassignments, CHAP actions, and the early return of dependents. It provides a quick reference on those advocacy procedures by discussing the key issues and procedures for chaplains and their counselees.

The greater question of when and how to take on the advocate's role is dealt with in the first two chapters; the chaplain who wisely selects when he supports counselees will often gain the confidence of commanders and thereby be a more effective intermediary. Advocacy writing, the written means of exercising influence, is a critical skill for chaplains and is discussed at length in Chapter 2.

The handbook should be useful for chaplains in each component of the Air Force--active, reserve, and guard. The handbook should be especially helpful for new chaplains and those who are called to active duty on short notice. It will, hopefully, be widely disseminated to chaplains through the aegis of the Chaplain Resource Board.

ACKNOWLEDGEMENTS

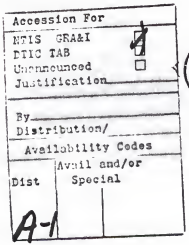
The author owes a debt of gratitude to Chaplain, Major David Fahner of the Air Command and Staff College and Chaplain, Major Patrick Nicholson of the Air Force Chaplain School for their unceasing support and careful editorial oversight. The author also expresses thanks to the many chaplains who attended the Air Force Chaplain School during the Fall of 1986 and contributed their insights and knowledge to this handbook.

ABOUT THE AUTHOR

Chaplain, Major Edward T. Brogan was born 26 May 1949 in Ridley Park, Pennsylvania. He received a Bachelor of Science degree from Massachusetts Institute of Technology (MIT) in 1971 and matriculated to Gordon-Conwell Theological Seminary where he received a Master of Divinity degree in 1974. Also in 1974, he was ordained in the United Presbyterian Church, USA, and began serving as pastor of the Presbyterian Churches of Unadilla and East Guilford, New York. He was commissioned as a chaplain and entered the Air Force in 1977 at Seymour Johnson AFB, North Carolina. He subsequently served at RAF Bentwaters, Great Britain; K.I. Sawyer AFB, Michigan; and Kunsan AB, Republic of Korea (ROK) before being assigned to the Air Command and Staff College at Maxwell AFB, Alabama in August of 1986.

Chaplain Brogan was awarded the Doctor of Ministry Degree from McCormick Theological Seminary in Oak Park, Illinois, in June 1986. His dissertation article was on "Sustaining the Marital Covenant While Under the Stress of Extended Separation." It was written during a remote tour to Kunsan AB, ROK.

His diverse assignments in TAC, USAFE, SAC, and PACAF, and 10 years of chaplain experience, have qualified him to write about chaplain advocacy. He has participated heavily in counseling and inter-agency cooperative efforts--Chapel, Social Actions, and Mental Health--throughout his time in the Air Force.



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Chapter One

THE CHAPLAIN AS AN ADVOCATE IN THE AIR FORCE

Chaplains often act as advocates within the Air Force, seeking appropriate relief for counselees in distress. Chaplains routinely act in informal ways within the military system to redress complaints. They also write numerous letters to support counselees in administrative procedures like humanitarian reassignment or early return of dependents requests. Chaplains are often consulted because they are assumed to have wide experience with the Air Force system and the helping agencies and offices that can bring assistance to individuals. Furthermore, each chaplain's personal integrity, concern for the counselee, and loyalty to the chaplaincy demand that the chaplain act competently and professionally.

But individual chaplains may not know of some of the options the system permits. They may also have limited experience with some of the procedures. It takes years of experience to become highly effective as an advocate within the Air Force but the need for chaplain advocacy is immediate.

This handbook has been written to provide specific information to help chaplains grow quickly in their effectiveness as advocates. The five advocacy actions discussed require professional responses from chaplains. The chapters treat individual advocacy actions in depth by relating procedures, rationales, and descriptions of the normal course of events for those actions. How, when, and whether to act as an advocate depends on the circumstances; that determination is a focus of the handbook. Chaplains who seldom come into contact with the included advocacy cases usually need prompt guidance when they do; they should find the handbook particularly helpful.

CONSULTING REGULATIONS

Each chapter begins with a citation of the relevant regulations. Interim changes and command or local supplements to the procedures listed in this handbook should be checked by the user. The base OPR (Office of Primary Responsibility) for the regulation should be able to provide assistance.

Chapter Two

HOW AND WHEN TO SUPPORT REQUESTS FROM COUNSELEES

Whom should the chaplain support? The requests come frequently. Some requests have more merit than others. Some have a higher likelihood of succeeding than others. If the chaplain supports every request his letters will have diminished impact. To be influential with commanders, first sergeants, and personnel administrators, the chaplain needs to show good judgement in which cases he advocates.

Occasionally commanders complain about what an "easy touch" certain chaplains are. The chaplains seem to be willing to support every request that is brought to them. Chaplains who write or act to support hopeless requests can diminish the value of chaplain intervention as a whole. The chaplaincy is known for being competent and compassionate. To sustain this reputation, each chaplain needs to be astute in sizing up advocacy opportunities.

Two typical cases where the chaplain must exercise judgement before rushing to the support of counselees are the following:

Couples often come in with severe marital problems. Some claim their marriage would be fine if only they could be reassigned near their parents. This may be partly true at times, but the Air Force will certainly not permit a humanitarian reassignment for that reason. "Chaplain, can't you help?"

Chaplains counsel airmen convicted in courts martial. To hear them, more innocent airmen than guilty airmen are convicted in those courts. Many of them claim to be among the innocent unjustly convicted. Their punishment is more than they or their family "deserve." They hope for clemency. "Chaplain, can't you help?"

Neither of these scenarios is apt to be resolved the way the serviceman hopes. The chaplain is only likely to postpone disappointment if he agrees to take up the case and write letters or act on the airman's behalf. Before agreeing to be an advocate for any counselee, it is important to decide if sharing the "bad news" would be better. Chaplains do see counselees hoping for the impossible whether it be a reassignment, rescue from an administrative discharge, or a painless way out of financial difficulty. The chaplain can show care and give support to all who come to him but cannot endorse their every request. Sometimes he must give them bad news and help them form more realistic alternate plans.

He is also in a strong position to guide individuals toward accommodation to their situations. Telling them in counseling why their request cannot be supported by the chaplain will often provide a basis for further counseling or planning. That can help individuals adapt to their situation and keep them from building false hopes.

A chaplain providing such negative feedback needs to be prepared for rejection or grief. Assisting counselees through the grief process is a normal part of the chaplain's work. Initial, or permanent, rejection by the counselee is a part of the grief reaction. The chaplain's first task, then, is to rebuild a trusting relationship with the counselee. Then, the chaplain can intervene, providing support gathered from other people or the Air Force system to help counselees negotiate their grief and disappointment.

INFORMAL ADVOCACY ACTIONS

In advocacy actions the chaplain's best course is often the informal. Sometimes it's obvious that the counselee needs relief that is outside of normal procedures. Actions like suggesting a temporary change of duty shift or arranging for furniture for a burned out couple can often be accomplished easily by the counselee's squadron commander or first sergeant. Contacts at the Consolidated Base Personnel Office (CBPO) can help a great deal in trying to accomplish a reassignment. If not, the individual's resource manager at AFMPC (Air Force Military Personnel Center) might be able to help. Chaplains have been successful calling the manager to plead for help for counselees (18).

To be able to work informally on base, the chaplain should foster relationships with referral agencies like Mental Health, Social Actions, and the Area Defense Counsel. Also, the better the chaplain gets to know commanders and first sergeants, the more helpful he is apt to be to those seeking his aid. When the chaplain has established contacts with key base personnel, he can often intervene in cases outside of strictly legal or administrative procedure. Some of the ways these people and other helping agencies on and off base can be used are discussed in Chapter 8.

WRITING SUPPORTIVE LETTERS AND DOCUMENTS

This handbook deals primarily with written and formal procedures. In most of the cases discussed, the chaplain will be preparing letters or other documentation to support a counselee's request for help from the Air Force. When the chaplain does support a request, he needs to do it effectively. Few cases are so clear-cut that the chaplain need only list the facts to achieve the results he hopes for. Ordinarily, the more carefully reasoned, succinct, and supported by fact the chaplain's written work is, the more likely he is to be influential in the case.

Of course there are times when a chaplain will decide not to write in support of a counselee. But the chaplain needs to resist the temptation to write a weak letter that is intended to frustrate the result desired by the counselee. Weak letters may be a salve to the chaplain's conscience but are of little use to the client or to the commander or board that will decide partly on the basis of the chaplain's letter. In addition, poorly written letters promote the image of chaplains as inept or as bleeding hearts who cannot deal with the situation as it really is.

Writing supportive letters is a skill to which every chaplain should give attention. When chaplains act as advocates, they are attempting to convince someone in the Air Force that a certain course of action should be followed. The advocacy letter marshalls facts and arguments to achieve results. AFP 13-2: Tongue and Quill says much about writing and speaking to convince. In fact, it is worthwhile for each chaplain to become familiar with this document and use it when writing or speaking in an Air Force context. It states that to be an advocate it is essential to analyze the audience and establish personal credibility (14:96).

> Note: Tongue and Quill also asks the question: "Is it really needed?" There are times when a phone call or conversation with the right person can preclude writing and the administrative process. This is always worth examining as an option (14:9).

Writing to persuade is a complex task that begins with analyzing your own purpose and the intended audience. Is the audience receptive, hostile, or skeptical (14:12)? It makes quite a difference whether you are writing to a squadron commander known well by you or to an anonymous board at AFMPC. The second letter will not have the warmth and informality the first could. A plea for clemency is quite formal. The chaplain should carefully coordinate a letter like that with the convict's defense counsel to analyze the potential reader of the letter and what arguments would work. Perhaps you can determine what kind of reception your communication will receive by checking with others on base who've already dealt in the process.

In every case, write as a chaplain. Chaplains have a degree of credibility because of their professional training and the excellent reputation the chaplaincy has sustained in assisting people. The chaplain is within his expertise when talking of religious issues or of family dynamics and the impact that a given action will have on the counselee or family. He can present his opinion of the depth of need and sincerity of the counselee. He can tell of additional circumstances, not directly involved in the case, that could sway the board or commander's decision. However, chaplain credibility does not extend to medical issues, legal issues, or other specialized knowledge. It is therefore critical not to state medical or legal opinions. A supporting letter from a doctor or lawyer is the way to find that support. The chaplain's letter can draw conclusions and tie statements from other sources together. The chaplain's professional knowledge and his analytical thinking are what he can use in an advocacy action.

Tongue and Quill lists four patterns that are suited to structuring arguments. First, the reason pattern uses evidence and arguments to defend an idea. That works well for a chaplain's advocacy letter as the chaplain is often drawing several strands of support together to show the reasonableness or necessity of an action. Second, a general to specific pattern would not be used as often. It may be helpful, though, when showing how others were treated in the past as part of a plea for action for the counselee. Third, a problem-solution pattern is especially helpful in out-of-the-ordinary advocacy cases. Building toward a solution that is in the interest of the individual or family and the Air Force can be extremely convincing. The fourth pattern, the psychological pattern builds from step-to-step as follows: attention, need, satisfaction, visualization, and action (14:97).

Can the chaplain find support for his case within an Air Force regulation? Is there an argument based on regulations and for the good of the Air Force that can be used? It's much more likely to succeed than one that protests current practice. If the chaplain can use regulations in his advocacy action, his work will find a ready audience; he won't have to work quite as hard to prove the worthiness of his cause.

Simple and direct English is most likely to be understood and read. Passive voice invites sleepiness. A clear structure and a goal stated at the outset of the letter make for easier reading than if the reader is struggling to guess what the point is. Marshall the facts and arguments after stating the goal or conclusion. Tongue and Quill deals with concise, alive, and convincing English at length (14:39-68). Formats are there for the official letter (14:115-118), for the personal letter (14:119-121), and for other documents.

Be objective. Emotional appeals won't carry the day. Neither will bombast and impassioned calls for justice. The reader is more likely to look for care in reasoning and adequate support. Some of the types of support that can be convincing are examples, statistics, testimony, comparison and contrast, and explanations (14:25).

Watch for flaws in logic. A few of the more common ones are as follows: asserted conclusions, not based on evidence presented; Post Hoc Fallacy, based on assumption that one event following another is caused by it--for example, since marital stress came after a PCS, the PCS apparently caused the difficulties; faulty analogy; non sequitur, where the conclusion does not follow the prior statements; hasty generalization; faulty dilemma, often seen in a straw man argument where support is requested for one conclusion since the other is absurd; stacked evidence, where objections to the argument are ignored; and the emotional appeal (14:27-31).

After writing the letter and checking it, let others read it also, seeking to recommend any improvements in content, thought, tone, or flow of ideas. Is the writing convincing? Having other eyes check the work is especially worthwhile if the letter will really impact on someone's

career. There should be no errors if the letter is going high! Typos reflect on the author's caring and capability. In advocacy processes, chaplains' writing may be read by lawyers, generals, and congressmen.

LOOKING AHEAD

Chaplains have always been advocates for those in genuine need. Each generation of chaplains has found ways to bring assistance within the structures of their time. Today's chaplains continue providing that aid. The role of ombudsman comes close to that of the chaplain as an advocate. In Scandinavian countries, the ombudsman is the one charged to investigate complaints and seek redress for individuals who are in any way victimized by the bureaucracy. He also makes many referrals as one who knows the bureaucracy well and can help others find their way to the help they seek. But he also acts to show the bureaucracy in its proper light. The ombudsman in that role can sort between legitimate and illegitimate complaints. With groundless complaints, he can still be a caring individual who explains why no redress should be given (3:96a). Chaplains are ombudsmen, actively seeking to aid those who seek them out. Chaplains give their counseless comfort, truth, confrontation, or help within the system as the occasion demands.

Chapters 3-7 will detail specific procedures with which chaplains occasionally become involved. This handbook will provide basic information and raise some of the questions that need to be answered in each case, but it will always be worthwhile checking with the base agency most familiar with the regulations in question. There could be changes in the regulations or local procedures. Chapter 8 will provide more suggestions on how to use base and community agencies in chaplain advocacy actions.

Chapter Three

CLEMENCY EVALUATIONS

Regulations: Manual for Courts Martial RCM 1105(b)(4)
AFR 20-1 Air Force Clemency and Parole Board
AFR 111-1 Military Justice Guide

Form: AF Form 138 Post Trial Clemency Evaluation

The day has passed when chaplains routinely fill out Post Trial Clemency Evaluation forms. Chaplains were automatically asked whether they wished to recommend clemency when imprisonment or a less-than-honorable discharge was part of the sentence. No longer. Today, chaplains only receive a clemency package if the convicted serviceman elects to ask a chaplain for a clemency review. He is only likely to ask if he knows the chaplain well or if his defense counsel recommends it.

Yet, chaplains still have a concern for individuals on base whose income, career, and freedom are impacted by courts martial decisions. Chaplains are well trained to minister to those going under the stresses concomitant with guilt, embarrassment, and lowered self-worth. They definitely have an ongoing ministry with those in pre- or post-trial confinement or facing a discharge. Chaplains are charged to visit those in military and civilian correctional facilities. Taking part in clemency actions occurs as a part of the chaplain's ministry to the imprisoned.

What is clemency? It is the tendency to show forbearance, compassion, or forgiveness in judging or punishing; leniency; mercy (4:81). In the military judicial system, clemency implies a reduction or suspension of a portion of a sentence. It can also include a change of a discharge from a less-than-honorable one to an administrative discharge or a restoration to duty (5).

WHEN IS CLEMENCY AN OPTION?

Only After Sentence

First, clemency is only possible after a conviction and sentencing. Defense counsel is routinely given a letter indicating that an appeal for clemency is one of the accused's rights, even when exercising that right is unlikely (11:7-5). Leniency that enters the system before sentencing, while equally effective for the accused, is not part of the clemency process.

Within 30 Days of Sentence

Second, clemency must be applied for within a set time period of conviction or the right to apply is considered waived. At present that period is 30 days after sentencing by a general court martial, 30 days from a special court martial when a bad-conduct discharge is part of the sentence, 20 days from sentencing by any other special court-martial, and 7 days after a summary court martial (16:II-169).

With a Greater Than 30 Day Sentence

Third, while clemency is possible with a 30 day sentence, it is only a reasonable option when the sentence is greater than 3 months as the review procedure takes time. Otherwise, clemency could be decided upon after the full sentence had been served and full fines had been paid. Normally clemency is only sought when an extended sentence at a military correctional facility is part of the punishment (17). But chaplains may also become involved with clemency issues when the convict is seeking parole. Parole actions appear to consume a great part of the Air Force Clemency and Parole Board's effort (5:1-3).

Not After Pre-Trial Agreement

Clemency cannot be sought when a pretrial agreement, close to civilian plea bargaining, limited the maximum punishment before sentencing took place. Clemency is also unlikely in the case where the Area Defense Counsel (ADC) states that clemency has already entered the case as a result of the trial process itself--either in a pretrial agreement or in the court members considering extenuating circumstances. An example is when the court took family finances into account and sought to punish only the guilty, not his dependents. In either of those cases, pretrial agreement or a lenient court, the ADC will suggest that a clemency request is not likely to be honored. The individual who has been sentenced has already received as much clemency as he should expect. When the ADC is not recommending an appeal, he apparently believes the individual has received the best treatment he can expect (17). Helping the individual come to terms with his conviction and likely guilt will be more useful for the chaplain than urging clemency proceedings.

WHEN WILL THE CHAPLAIN RECOMMEND CLEMENCY?

Under the present regulations, the chaplain has no inherent right or duty to submit clemency forms. He only becomes involved if requested by the sentenced individual.

Since a chaplain can only request clemency if the convicted airman requests his help, the chaplain might consider making a standing offer to the ADC to participate in clemency requests. The ADC is much more likely to ask for the chaplain's intervention when he knows the chaplain is willing and capable. In any case, the chaplain should get to know the ADC

in order to establish a ministry to those under duress from administrative and legal proceedings.

When asked, chaplains can recommend clemency whenever they believe the circumstances warrant it. They should see some type of inequity in the sentence itself before they act. Perhaps the sentence was stiffer than average or the impact on the family is worse than normal. The chaplain's knowledge of the individual may also be more extensive than that of the court that convicted him; this would be a good time for chaplain action.

The chaplain will only be influential if he knows the convict well. The clemency board will look for an established relationship and knowledge of the convict and his circumstances. The chaplain is most likely to be of assistance to those who've come to him for counseling or participated in chapel programs over an extended period. Regular visitation in the base confinement facility is another way to establish a relationship that could be of help in a clemency application. It follows, though, that a half-hour conversation is inadequate as a basis for filling out a clemency form (17).

When the chaplain decides to submit a clemency form, he should gather supporting information from the convict's friends, co-workers, supervisor, doctor, commander, and first sergeant. When a number of these array themselves in support of the individual, building a strong case is possible. This is particularly true of commanders and first sergeants who may wish for the individual to be retained in the Air Force. Of course, such an action by the clemency board is unlikely when the USAF Quality Force program is emphasizing the retention of only the best personnel. Counselors from the hospital, social actions, or from off base may also be helpful.

Reasons for Clemency

The following are a number of reasons for clemency, most of which are recommended for consideration within AFR 20-1: Air Force Clemency and Parole Board.

First. Has the individual received a sentence that is harsher than typical or others convicted in the same case? If so, there is a strong case for clemency. The chaplain and ADC will work toward a reduction of the sentence.

Second. Will the punishment have a more severe impact on the individual or his family than the court may have anticipated? But, remember that punishment is meant to be painful. Only use this argument if the impact of the punishment is excessive.

Third. Is the convict a superb worker and loyal Air Force member who only erred this one time? This is a hard case to build but might lead toward a recommendation of assignment to the 3320th Retraining Group

at Lowry AFB, Colorado. The supervisor's, commander's and first sergeant's favorable recommendations are almost mandatory for this to work.

Fourth. Are there humanitarian reasons to take into account? Does the serviceman have children with special medical needs such as requiring expensive food supplements or frequent doctor visits? Does the sentence cause an extreme hardship in providing adequate care for the family?

Fifth. Is there a moral reason to plead for clemency? Was the convict acting out of a moral compulsion when he committed the offense? For example, did the individual refuse to work because he claimed his church did not allow work on a Saturday? Cases with a moral argument are very rare. Ordinarily there are other ways the individual could have sought relief besides an offense against the UCMJ (Uniform Code of Military Justice). But when a moral case does come up, there is no one more qualified than the chaplain to strengthen a case for clemency.

Sixth. Arguments that show where clemency is to the benefit of the Air Force are sound. But they are difficult to build as the individual was only sentenced after his commander and the Staff Judge Advocate decided that it was in the interest of "good order and discipline" to seek a conviction.

Reasons Against Clemency

First. The chaplain might refuse to participate in a clemency application when he believes the member should not be retained in the Air Force.

Second. He should decline to recommend clemency unless there are some strong extenuating circumstances or an otherwise good case for clemency. If the chaplain routinely supports clemency requests, his influence will diminish.

Third. The chaplain should not recommend clemency on the issue of guilt. He may believe the serviceman was unjustly convicted but that is not the point of clemency. The justness of a conviction should be settled in an appeal.

NEVER RECOMMEND AGAINST CLEMENCY

Although he believes that clemency should not be given, the chaplain must never recommend against clemency. He can merely decline to act in its favor. Recommending against clemency could cast a negative light on the chaplaincy as an advocate body. It could turn those under accusation or conviction away from counseling with the chaplain. Declining to submit the clemency form, since it is not mandatory or a matter of record, will have no detrimental effect upon the case.

THE CLEMENCY FORM: AF Form 138

The following is a block-by-block discussion of basic issues addressed in the clemency form. Each block in the form has a short listing of what topics should be included.

Block One: General Comments

These include comments on duty performance, military bearing, conduct on and off duty, attitude toward duty assignment and the Air Force, job relationships, etc. The chaplain is directed to indicate his degree and length of acquaintance with the individual. The form infers a requirement for the chaplain to spend time developing a good knowledge of the individual before recommending for clemency.

Block Two: Type and Amount of Clemency Recommended

Form 138 gives the examples of suspension of discharge, reduction in length of confinement, and change in form of punishment. Other examples would be reduction in fine and change of discharge from less-than-honorable to an administrative discharge.

Block Three: Reasons for Recommendations to Extend or Withhold Clemency

There are no comments with the block. This is where the chaplain works hard to build a case for clemency. All of the earlier research, reasoning, and counseling comes to bear here. The arguments should be succinct so as to be read and carefully weighed by the Clemency and Parole Board.

Block Four: Evaluation of Accused's Restoration Potential and Future Value to the Air Force

This block is critical if the chaplain is arguing for the individual's retention or restoration to active duty after the sentence is served. Comments from friends and commanders can have a strong effect here.

Block Five: Recommendation for Transfer to 3320th Retraining Group

A mark in the "yes" block shows the chaplain thinks the individual should be back on duty soon. The Lowry program is similar to basic training. It is designed to instill positive values and rebuild the individual's confidence in himself. It is intensive and only designed for those with a strong retention potential. Those who graduate usually do well in the Air Force. Relatively few of those recommended for retraining receive this form of clemency. This is particularly true in a time of Quality Force when the Air Force can keep only the best and forbid others to reenlist (17; 18).

PROGNOSIS FOR CLEMENCY REQUESTS

Applying for clemency is the prerogative of all who are convicted and sentenced. The likelihood of relief varies radically by circumstances. When the ADC recommends an application, the possibilities are strong for success. But when the defense counsel recommends against a clemency request, chances are slim. This is because the counsel already knows how much clemency has been granted in the original sentence and also knows what punishments are normal for the offense. When pre-trial agreements have been made, there is hardly any chance to receive clemency.

When clemency is sought for a short sentence of one to three months, it is not surprising to have the clemency decision made after the sentence has been carried out. This is particularly true when pre-trial confinement counts as part of the sentence.

In today's Air Force, less than one-third of applicants for clemency receive it (17). Chaplains should bear this in mind when they are discussing an application with a counselee. Chaplains can have very effective ministry at that time preparing the counselee for the worst. Those convicted and sentenced often can use help preparing for confinement and discharge. They can use help in garnering family support. The chaplain's ministry in preparing the individual and his family for punishment and subsequent civilian life can be more important than the clemency issue. Because most of those convicted never receive clemency, this ministry is also the more likely function.

Chapter Four

CONSCIENTIOUS OBJECTOR EVALUATIONS

Regulations: AFR 35-24 Disposition of Conscientious Objectors

The number of conscientious objector cases chaplains deal with has dropped off dramatically since the all-volunteer force came into being. But there are still cases where service members change their beliefs after entering the Air Force and request consideration as conscientious objectors (CO). Chaplains are tasked to interview each of them and determine the "nature and basis of the applicant's sincerity and depth of conviction (6:14a)."

AFR 35-24 provides excellent guidance for the chaplain in his task. It can also provide some direction for discussing conscientious objection with counselees. Chaplains are usually well versed in theologies supportive of participation in war but should also study the theologies of pacifism. If well versed in the arguments, chaplains will be better prepared to assist individuals struggling with the morality of war and will be better prepared to evaluate the beliefs of those applying for conscientious objector status.

Since a major role of chaplains in the Air Force is to provide for the free exercise of religion, and function in a pluralistic environment, they must consistently provide interfaith understanding and consideration (13:4). When dealing with conscientious objectors with whom the chaplain is apt to disagree, the requirement for interfaith understanding becomes critical.

CATEGORIES OF CONSCIENTIOUS OBJECTION

The United States recognizes two categories of conscientious objectors. Conscientious objection is recognized as "a firm, fixed, and sincere objection by reason of religious training and belief to: participation in war in any form, or the bearing of arms (6:1a(1))."

Those who object to participation of any kind in war in any form are classified 1-O. They will ordinarily be granted a discharge if their application for CO status is approved (6:1b).

Those in the second class, 1-A-O, object to participation as combatants in war in any form, but can in good conscience serve in a

noncombatant status (6:1b). These members may be retained or discharged according to the needs of the Air Force (6:4d-e).

There is no category that permits individuals to object to individual wars and be recognized as conscientious objectors (6:1f(1)).

APPLICATION PROCEDURES

An individual who claims to be a conscientious objector, in either of the recognized categories, can receive direction on applying for CO status from CBPO. The application format is listed at Attachment 1 of AFR 35-24. The applicant will complete the application, be interviewed by the chaplain and a psychiatrist, and will then have his case investigated by a judge advocate (legal officer) in the grade of captain or higher.

The application will contain basic biographical information. More importantly, for the investigation of his CO status, it will include statements on the applicant's beliefs, their development, and consistency. He will describe, when possible, how they relate to the beliefs of his religious sect or organization and will attach any statements from others that he believes will strengthen his case (6:12, Atch 1).

The investigation will conclude with a hearing where all information submitted by the applicant, chaplain, psychiatrist, and any other results of the judge advocate's investigation will be considered. The applicant may elect to be represented by counsel at his own expense. If the applicant elects not to speak at the hearing, the investigating officer may take that into consideration in his recommendation and evaluation.

Each case will be decided on its own merits (6:8). The responsibility to prove his case is upon the applicant. He must establish by clear and convincing evidence that his claim meets the criteria of AFR 35-24 and that his belief is honest, sincere, and deeply held (6:10).

The approval authority for CO status rests for officers with the Secretary of the Air Force, or designated representative, and for airmen with HQ AFMPC/MPCAKE (6:22). Even though claiming conscientious objector status, the applicant must continue to perform his military duties. But commanders will attempt to assign noncombat duties while the case is under review. Applicants may be disciplined under the UCMJ if they fail to "conform to the normal requirements of military service and to perform satisfactorily such duties to which they are assigned (6:6)." If the individual is discharged partly as a result of refusing to perform military duty, to wear the uniform, or otherwise to comply with lawful orders of competent military authority, he will lose his veterans benefits (6:13a).

It is possible to be classified as a conscientious objector in any component of the military--active, reserve, and guard. The guiding regulations are listed in AFR 35-24, paragraph 12.

CHAPLAIN INTERVIEW AND REPORT

As part of the review of the applicant's claim, the chaplain conducts an interview with the applicant intended to evaluate the depth, consistency, and sincerity of the beliefs supporting the claim for CO status. CBPO schedules the applicant for the interview with the chaplain. The chaplain is the professional expert, tasked to weigh the individual's statements. The interview will take time and careful attention on the chaplain's part, as will the subsequent writing of the report. The chaplain's report of that interview becomes a part of the case file that is forwarded to MAJCOM (Major Command) after the initial investigation on base.

Directions from the Regulation

AFR 35-24, paragraph 14 provides formal guidance for the chaplain. Note that the chaplain is not to make a recommendation. That is the task of the investigating officer.

> Reports of Interview. If the applicant refuses to participate or is uncooperative or unresponsive in the course of the interview, include this fact in the report.
>
> A chaplain will personally interview the applicant. The chaplain will submit a written opinion as to the nature and basis of the applicant's sincerity and depth of conviction. The chaplain's report must include the reasons for the conclusions but must not make any recommendations for approval or disapproval of the application (6:14).

AFR 35-24, paragraph 21 lists issues about religious training and belief. The chaplain should carefully read the paragraph and use it to guide him in his interview. If the chaplain does that, his report should be comprehensive enough to satisfy the investigating officer. Some of the paragraph's content is listed below in abstract.

> a. . . . the belief on which conscientious objection is based must be the primary controlling force in the applicant's life.
> b. A primary factor. . . is the sincerity with which the belief is held. . . . Sincerity is determined by an evaluation of the applicant's thinking and living in its totality, past and present.
> (1) . . . their outward manifestation of beliefs asserted must be carefully examined and given substantial weight.
> (2) Relevant factors. . . include:
> (a) Training in the home and church.
> (b) General demeanor and pattern of conduct.
> (c) Participation in religious activities.
> (d) Whether ethical and moral convictions are gained through rigorous training, study, or contemplation.
> (e) Credibility of the applicant.

(3) Particular care must be exercised not to deny the existence of bona fide beliefs simply because those beliefs are incompatible with one's own.

(a)-(d) Formal affiliation with a religious organization neither proves nor disproves the applicant's claim and is not required.

(e) . . . the task is to decide whether the beliefs professed are sincerely held, and whether they govern the claimant's actions both in word and deed.

Useful Questions for the Interview

An excellent list of value clarifying questions developed by Shawn Perry and Beth Ellen Boyle is printed on pages 44-45 of Words of Conscience (1). These may also be useful for the chaplain conducting a CO interview.

1. Is your objection to killing or being killed?
2. Why did Christ say, "He that hath no sword, let him buy one," "Render unto Caesar that which is Caesar's. . . ." and "I came not to bring peace, but a sword"?
3. How about the Christian doctrine of approval for just wars?
4. How do you explain all of the wars in the Old Testament?
5. Do you think that combat soldiers who believe they serve God in serving their country are misled?
6. Can you say that a medic helping a dying soldier is performing an immoral act and can never be an expression of God's love?
7. Do you honestly think the Armed Forces should be abolished?
8. What method would you use to resist evil?
9. Would you use force to prevent someone from killing an innocent person? From killing you? From killing himself?
10. If someone were attacking your mother, would you try to stop the person?
11. Didn't Jesus use violence in driving the money changers from the temple?
12. If everyone believed the way you do, wouldn't the Communists take over the country?
13. Do you think that the authority of your conscience is more reliable than the consciences of most Americans?
14. Aren't you being unrealistic? Haven't we always had wars?
15. What will you do if your application for CO is denied?

Words of Conscience also lists religious statements on conscientious objection from a great number of religions found in the United States. Those statements provide guidance for determining whether the individual conforms to the beliefs of his organization. That is not a requirement for claiming CO status, but is a useful discussion point for the interview. The applicant may find that some of the statements in Words of Conscience mirror his own beliefs. If that is true, the chaplain still needs to discover how deeply and consistently those beliefs are held.

COUNSELING INDIVIDUALS TROUBLED BY MILITARY ROLE

Chaplains often deal with the issue of conscientious objection in ways far different from the painstaking and precise effort involved in conducting a conscientious objector interview.

Military members often raise questions about the morality of war and killing. Fielding those questions is a part of every chaplain's ministry. Chaplains help Air Force members and dependents to grapple with the morality of war in counseling, teaching, and preaching, thereby guiding the formation of values, morals, and religious beliefs. This ministry is usually intellectually stimulating and enjoyable.

A competence in the morality of war should be developed by chaplains so they can accomplish this ministry. They should be acquainted with the various theories on just war and pacifism. When they know both sides, the chaplains can better guide discussion of issues like the rightness or wrongness of killing other human beings or the legitimacy of governments in directing wars and executions.

An important current document is the May 1983 Catholic Pastoral Letter, "The Challenge of Peace: God's Promise and Our Response." It cast doubt on the morality of Catholic military members participating in nuclear forces. For a good discussion of the document and its implications, read Chapters 17 and 18 in War, Morality, and the Military Profession (2).

Chapter Five

HUMANITARIAN REASSIGNMENT AND DISCHARGE

Regulations: AFR 39-11 Airman Assignments
AFR 36-20 Officer Assignments

Chaplains commonly are approached for support in humanitarian reassignments, assignment deferments, and hardship discharges. The chapel is one of the base agencies suggested on the application form as a source of support and counsel. Military members are entitled to apply for humanitarian reassignments so they can be in a location where family needs that are beyond those ordinarily experienced can be met. Deferments are for situations where moving the family would cause a similar hardship. Hardship discharges are designed for protracted problems that require the military member's presence and no longer permit his availability for reassignment. Each application is considered on its own merits at AFMPC. An airman's substandard performance or conduct is not taken into account in determining whether a humanitarian assignment is needed. In addition to having an adequate reason, there must be an opening for the individual's AFSC (Air Force Specialty Code) at the proposed gaining base before approval is given (9:5-1a(7)).

> The spirit and intent of the humanitarian assignment policy is to place the military member at the closest location to where the family member concerned resides so the family can be provided maximum support, consistent with effective utilization of the military member (8:5-1a(5); 9:5-1a(5)).

Humanitarian assignments and deferments are approved for a narrow category of reasons. Normally, the situation prompting the application should be resolved within 18 months, leaving the airman or officer eligible for worldwide reassignment. Situations that take longer warrant an application for a humanitarian discharge.

Before applying for reassignment, military members are encouraged to use ordinary or emergency leave to resolve the difficulty. Many difficulties can be resolved with a short visit. This is particularly helpful when approval of a reassignment is doubtful. In addition, using leave can be an excellent strategy for gaining a humanitarian reassignment because collecting information for an application is usually easier where the family members are located. The applicant can then apply for a humanitarian reassignment at the nearest Air Force base. The CBPO there will coordinate with the member's own CBPO and commander while determining

whether a humanitarian reassignment is warranted. If approved, the member can give a power-of-attorney to an individual at his previous base in order to move his belongings and complete any other business.

Both AFR 36-20 and AFR 39-11 provide lists of reasons that usually warrant approval or disapproval of humanitarian reassignment or deferment requests. The lists are not intended to be exhaustive but descriptive. Every case will be individually reviewed by AFMPC but those falling clearly within one or more of the "approved" categories are more likely to succeed. The following two sections will list the major reasons for approval or disapproval.

REASONS FOR APPROVAL OF HUMANITARIAN REQUESTS

1. Recent death (within 12 months) of spouse or child.
2. Spouse's or child's severe psychotic episode requiring prolonged treatment.
3. Spouse or child has prolonged illness and treatment is necessary at given location.
4. Serious financial problem, not self-inflicted, cannot be resolved by mail, power-of-attorney, etc.
5. On unaccompanied tour when spouse abandons children.
6. Terminal illness of family member; death expected within two years. Grandparents of service member or spouse usually disallowed.
7. Child has been adopted but state requires time to finalize.
8. Reassignment is needed to establish child advocacy program.

REASONS FOR DISAPPROVAL

1. Threatened separation, divorce, or pursuit of child custody.
2. Single parent's difficulty finding child care.
3. Psychoneurosis (as opposed to psychosis).
4. Climatic conditions or geographical areas affecting health.
5. Pregnancy.
6. Housing shortage.
7. Financial problem, including bankruptcy, resulting from mismanagement of military income.
8. Financial problem resulting from loss of off-duty work, spouse's employment, or settling of estates.
9. Difficulty in acquiring visas or passports for dependents acquired while overseas.
10. Parents or parents-in-law with chronic disease/disability.
11. Need for emotional or domiciliary care of parent or parent-in-law because of age, nonterminal illness, or recent death in family.
12. Problem foreseeable on most recent entry on active duty.
13. Second reassignment for same reason.

CHAPLAIN INTERVENTION

The chaplain's first task is counseling, seeing what he can do to ease the difficulty the individual and family are facing. The chaplain can help the applicant clarify his thinking and identify the best among his options. The chaplain can establish a trust relationship that can aid the individual or family through the humanitarian process. That relationship will be particularly helpful should the humanitarian request be denied. The chaplain's counseling may result in finding relief locally, referring the individual to other agencies, or seeking a reassignment as the best option. Normally, the chaplain will coordinate with the individual's squadron commander and first sergeant in preparing a humanitarian request. Keeping abreast of changes in the airman and officer assignment regulations will help chaplains know what options are possible at any time.

When Should Chaplain Support Request?

Since many individuals seek chaplain support for their applications, the chaplain needs to exercise care in choosing which cases to support. There are many times when a chaplain should decline support because there is an inadequate case or not enough information has been provided. If the case is weak, the chaplain can indicate that he stands ready to help with alternate plans and counseling support.

When the case meets one or more of the criteria listed above for approval, or has similarly grave reasons, the chaplain will probably want to support the application. But, early in a chaplain's counseling ministry, he learns to seek out the whole story lest he be misguided by first impressions. In humanitarian proceedings also, it is essential to have enough information to make an informed decision or recommendation. Doctors' statements, financial records, and affidavits from relatives showing how the individual's support is needed at home are the types of documentation that can demonstrate that a legitimate case exists for reassignment, deferment, or discharge. It is important that the chaplain not risk his credibility on a case he neglected to research adequately. When a counselee lacks sufficient documentary support, the chaplain can show him what must still be gathered to build a strong case.

An important question whenever an individual seeks a reassignment is "Will the move help or exacerbate the difficulty?" There are times when the individual is fleeing a problem but will see it arise again at any new base. This is particularly true when the real motivation for the move is family discontent with the locale. If the chaplain can help the family clarify what they expect from a reassignment, he can diminish the disappointment that might result from frustrated hopes. He can also help them find realistic hopes that can be achieved.

What Can the Chaplain Do?

Counsel and Facilitate. The chaplain is usually much more familiar with the humanitarian process than the applicant. He can help sift

arguments with the individual and explore just what is needed and possible to resolve the situation. The chaplain can point out weaknesses in the applicant's arguments that need support from doctors, family, or other sources.

Write Letters. Writing letters of support is the most common chaplain response. They gather together some of the chaplain's insight into the validity of the request and reliability of the individual applying. The chaplain may be able to organize data from other supporting documents and the applicant's own letter to establish a stronger case. The chaplain's professional opinion on the needs of the family and the relative need of the particular applicant have a significant impact on the board at AFMPC (18).

Telephone. Calls to the individual's commander or first sergeant can sometimes help sort out the facts and gather support. Phone calls can also help establish the initial need for emergency leave for the individual to work on his problems.

More importantly, the chaplain could call AFMPC when he believes a counselee merits a humanitarian action but does not fit one of the precedents that easily gain approval. Chaplains are usually trusted for their judgement and will be listened to by the individual's resource manager at AFMPC. If the individual is qualified for a reassignment by time on station, he could be assigned a bit earlier as a volunteer as a result of discussion with the resource manager.

AUTOVON calls, by the chaplain or the applicant, can also facilitate the process by identifying likely gaining bases for the family. Since the regulations require that there be an opening at the gaining base, AUTOVON calls can be used to quickly check bases near the individual's home to find an opening (9:5-1a(7)).

NORMAL DISPOSITION OF HUMANITARIAN APPLICATION

Humanitarian cases are decided within 30 days by MPC; many replies come back earlier. When approval is given, a PCS (Permanent Change of Station) move can be accomplished in minimum time. It is even possible to gain approval while on leave. This would be likely in cases such as the abandonment of dependent children while the member is on a remote tour. Approval is only given when the humanitarian application falls within the approved parameters. The difficulty experienced must be beyond what is normal for military members. But many apply with only a weak case or one outside of the parameters. In these cases, disapproval is almost guaranteed. The chaplain can be very helpful then in grief counseling and assisting the individual and family in adjusting.

ALTERNATIVES TO HUMANITARIAN REASSIGNMENT

When a humanitarian reassignment is disapproved, all is not lost. There are a number of alternatives.

Hardship Discharge, Retirement, or Separation From Service

When the situation at home is severe, it is often worthwhile when applying for a humanitarian reassignment, to request consideration for a hardship discharge in the event of disapproval. Discharges will be approved if the case merits a reassignment but the cause is expected to endure past the two year mark (8:5-1a(3)). They are also commonly approved when the necessity to assume management of a family business is demonstrated. The equivalent for officers is a separation from service.

When the member has served long enough to be eligible to retire, retirement is an option.

Permissive or Special Humanitarian Reassignment

"If the family problem cannot be resolved in a reasonable period of time, and the other conditions are met, he or she may apply for a permissive humanitarian reassignment in lieu of a hardship discharge or retirement (7:5-3c; 8:5-3c)." Such an assignment can be either within the Continental United States (CONUS) or within an overseas area but not between them. A permissive move is at the individual's expense with travel time charged as leave.

Airmen who have between 15 and 19 1/2 years of service may request a special humanitarian reassignment, at government expense, in lieu of a hardship discharge if their situation meets all the requirements for a reassignment except the time requirement. After a special humanitarian reassignment, the individual is deferred from reassignment for 18 months. Extensions of the deferment can be sought through 19 1/2 years. After that time, or if the individual accepts a promotion, no further deferments can be approved. The purpose of the program is to permit retirement at 20 years without additional moves (8:5-12).

Intervention With Resource Manager at AFMPC

When formal procedures are ineffective, one option is the informal. A chaplain contact with a resource manager--CBPO has the AUTOVON number--might achieve relief for the family. An intervention of this sort should be coordinated with the individual's commander and first sergeant. Since most resource managers make many assignments each day, they can sometimes work an assignment that benefits the individual and the Air Force (18).

Swap or Expanded Permissive Reassignment

Several types of permissive moves are permitted under AFR 36-20 and AFR 39-11. Gaining approval for a permissive move is much easier than for

one that involves government expenditures. Therefore, permissive moves are viable options in times of government fiscal constraints. They are at no expense to the government and do permit the individual to locate at a desired location.

Permissive Moves. These are possible within CONUS when manning at the losing and gaining base will be acceptable. The government will not pay for a permissive move and will charge leave for travel time. To be eligible, Air Force members must have at least 1 year on station and must have at least 12 months retainability after reporting to the new base. A permissive move can be undertaken when no assignment availability code or oversea vulnerability is in effect (8:3-16e).

Swaps. These moves at personal expense are available both in CONUS and overseas but are administered under two different programs.

To accomplish a CONUS Assignment Exchange, or Swap, "An airman must be the same grade and skill level, and if applicable, hold the same SEI (Special Experience Identifier) as the airman with whom an exchange is desired." An airman must have at least one year on base before moving but waivers can be obtained. He must also have at least 12 months of retainability (8:3-31).

The Overseas Assignment Exchange program permits swaps of assignments between any two overseas, long tour assignments within the same theater (e.g., Pacific or European). The exchange takes place at no cost to the government. To be eligible, airmen must be serving at least 24 month tours, not be within the allocation cycle (approx final year of assignment), and find another with same grade, AFSC, skill level, and SEI who also wishes an exchange. The move cannot be effected until after at least 12 months on station. The airman must also have at least 12 months retainability after arrival on the new station. Squadron commanders have final approval authority (8:4-27).

Complete Enlistment--Then Move

This option is occasionally available. When the Air Force is accepting reenlistments from those who completed enlistments and departed the service, it is an option. If the Air Force is accepting individuals in the airman's grade and AFSC, and needs them at a base he hopes to be assigned at, the airman may reenlist at that base. The effect is to achieve a move to the desired location. Timing is critical if the individual is to accomplish the goal of a humanitarian reassignment.

Chaplain Counseling

This is a part of the process for all who seek the chaplain's aid. But helping individuals come to terms with the disapproval of a humanitarian application is important. The chaplain can guide the family into activities on base, help them build support structures among friends and organizations, and can continue counseling as long as the need exists.

Chapter Six

CHAP (CHILDREN HAVE A POTENTIAL) REASSIGNMENTS

Regulations: AFR 39-11 Airman Assignments
AFR 36-20 Officer Assignments
AFR 168-8 CHAP Program

PURPOSE AND MISSION OF CHAP PROGRAM

CHAP is a program designed to make available all the services required to assist eligible Air Force families with their handicapped children throughout the "Air Force Community." Its mission is to better the health, welfare, and morale of the Air Force family. This is primarily achieved by locating and providing military and civilian resources, and therefore minimizing the usual hardships encountered by a mobile society (12:1-1).

The program is designed to support any handicapped children in the Air Force community. Handicaps include physical, emotional, and intellectual ones that require assistance or counseling beyond the resources of the family (12:1-4i).

The CHAP program is ordinarily administered out of the mental health clinic in the hospital because a qualified social worker is on the staff there. The appointments desk at any Air Force hospital will be able to identify who the coordinator of the CHAP program is.

The CHAP program is one of the most responsive ones in the Air Force in dealing with family needs. It receives attention right up through the Surgeon General's office. The base CHAP officer has the financial assets and information to see that the handicapped child's needs are met. He will do his best to meet the needs locally using CHAMPUS or other federal, state, or community programs. That care can include medical, educational, counseling, and financial support.

Maximum parental involvement and training is an important part of the program. The CHAP officer will discuss with the family their attitudes, willingness, and capabilities, both financial and otherwise, to meet the problems. The base hospital will strive to gain the training and support the family needs in caring for their handicapped child. The CHAP officer is encouraged to make referrals to other base or community agencies that

can also meet the needs (12:2-6h(5)). Chaplains can be particularly helpful in providing training on parenting, dealing with stress, and building family strength.

THE CHAPLAIN'S ROLE

Chaplains will often be the first to recognize that families have special needs for their children. As a result, chaplains are in a good spot to make referrals to the CHAP program and see that the child and his family receive the assistance they need.

Beyond referring families into the CHAP program, the chaplain has other responsibilities. Chapels can become an active part of the effective functioning of the program. Chaplain responsibilities are described in AFR 168-8 paragraph 2-6c as follows:

c. The chaplain will:
(1) Encourage chapel organizations to participate in programs supporting special CHAP activities and projects.
(2) When feasible, organize discussion groups for parents of handicapped children to talk about special needs and develop common interests; provide speakers at these gatherings.
(3) Assure that newly assigned chaplains understand the purpose and scope of the CHAP program.

A beginning point for any chapel staff is to learn what is already being done and what needs exist. The base CHAP officer could be invited to present the program to the chapel staff.

Chapel projects often involve strengthening families. Families with handicapped children can participate in many pre-existent programs. Some programs will need only a little adaptation to be inclusive. Three examples are:

First, a VBS or Sunday School class can be designed just for these children. If the chaplain hopes for participation, though, a good deal of groundwork must be done. Hopefully, the chaplain can get to know the children and some of their parents through the school they attend. A religious educator for those children will probably need support and special training from the chaplain or other counselors on base.

Second, a STEP or similar program just for parents of exceptional children might bring a degree of healing and hope to these parents. They probably would benefit from sharing frustrations and suggestions together.

Third, a chapel youth group might have an enriching experience taking some handicapped children on an outing. Picnics, bowling, and swimming are several possibilities for satisfying outings.

CHAP ASSIGNMENTS AND ASSIGNMENT DEFERRALS

One of the goals of the CHAP program is to see that families are located at bases where their CHAP children can have whatever assistance they require. As a result, reassignments and deferrals of assignments are part of the program. When the base CHAP officer recommends reassignment, the Director of Base Medical Service (DBMS) reviews and adds his own recommendation. Reassignment or deferral is usually given after the DBMS recommends approval. CHAP assignments take place very quickly after approval is given (12:--).

CHAP Listings

Each base is required to monitor special facilities in their area that could be of use for families seeking CHAP assignments there. The listing is updated every six months (12:2-6h(10)). Thus there is a ready source of information when a family is looking for an assignment. The potential gaining base does verify that the facilities are adequate for the identified need of the child.

CHAP And Overseas Assignments

When an overseas assignment is being considered, the DBMS will make the CHAP status of the family part of his screening. This is also true if the family had been identified as a CHAP case in a prior assignment (12: IMC 79-1). If the need still exists, the family will only be sent to a base that can meet its needs. This benefit is important as there are fewer facilities available at most overseas assignments than in the United States, both because of language difficulties and an actual shortage of off base facilities.

Repeated CHAP Assignments or Extended Deferments

CHAP assignments work well in the short term. But over time any encumbrance on the military member's worldwide assignment availability is impossible. The military member will need to consider working closely with his resource manager at AFMPC or consider volunteering for short tours with a home-basing option allowing a return to the base from which he was assigned. After notification of an overseas assignment, the sponsor can fill out an application for a deferment. Ordinarily only one will be given and then only to help establish a CHAP program for the child. If the deferment is denied, the member can apply for a short tour in lieu of a long tour. If there are no short tours available, he can serve the long tour in an "all others" category (7:5-5; 8:5-5). If the prolonged separation from the family attendant to a short tour is impossible for the child, a hardship discharge is the best option.

> All Air Force personnel must remain unencumbered and be able to respond to any contingency wherever and whenever called upon to do so. . . . Therefore, permanent or prolonged deferment from reassignment cannot be considered. If a reassignment or

temporary period of deferment is approved under the humanitarian or CHAP programs, the Air Force member must thereafter revert to world-wide assignable status. Indeed, many humanitarian and CHAP problems are simply incompatible with continued military service. Hardship discharge rather than reassignment or deferment, may be more appropriate in these instances (7:5-1a(3); 8:5-1a(3)).

NORMAL COURSE OF A CHAP ASSIGNMENT REQUEST

After a family first sees the CHAP officer, the officer counsels the family and sees that a full screening of the child and his needs is accomplished. Then a plan is developed, in the local area if possible, to respond to the child's needs. The CHAP office utilizes on and off base agencies for referrals and assistance with the CHAP officer coordinating financial assistance if necessary.

When a CHAP reassignment is needed because of a lack of adequate facilities in the local area, the CHAP officer assists in preparing the necessary documents. They will include biographical information, educational information, and a statement of related problems and services which may require assistance. (Deferment requests should include a justification for the sponsor's presence and the length of time involved.) In addition, a comprehensive and current physical will be done including current diagnosis of any CHAP related conditions, and a "statement of specific kind of care, treatment, and training needed (12:2-6h(7))."

Rapid resolution is the norm for CHAP assignment requests. It is not unusual to have an answer within two weeks of the request. Chaplains should remember this option when counseling families with child-related problems. A referral to the CHAP officer will determine whether the family is qualified.

Chapter Seven

EARLY RETURN OF DEPENDENTS

Regulations: AFR 75-8 Movement of Personnel
AFR 75-8, USAFE Sup 1 Movement of Personnel
JTR M7103 and M7104 Joint Travel Regulation

Is there a chaplain at a long-tour overseas base who does not frequently prepare paperwork for early return of dependents? Chaplains are an integral part of the procedure of determining whether it is in the interest of the family and the Air Force for the dependents to return to the CONUS. Many families respond to difficulties by asking to return to the States. The CONUS can seem ideal under the stress of the overseas assignment. They may also request transportation to Puerto Rico or any other U.S. possession.

WHAT DOES AN EARLY RETURN OF DEPENDENTS ENTAIL?

Early return of dependents is a term that indicates the dependents precede the sponsor to the CONUS before the receipt of PCS orders. When approved, dependents return at government expense and are no longer command sponsored at the overseas location.

The procedure is quite simple. A sponsor, or a dependent if the sponsor refuses, can stop at CBPO to pick up an application. Depending on the reason he wishes his dependents to return to the CONUS, he will visit his commander, the hospital, the legal office, the education office, or the chaplain to gain support. In each case, a compelling personal problem must be indicated before approval is given. Approval authority usually is delegated to the CBPO chief (9:v2 para 2-16; 15:M7103).

The government frequently approves an early return but will almost never reverse the procedure. If dependents wish to return to the overseas location, it will ordinarily be at their own expense. They are not even guaranteed command sponsorship when they return. If it is not given, they will not be able to send children to dependent schools, live in family housing, or shop in the exchange or commissary (9:v1 para 7-7; 15:M7103.3).

REASONS FOR EARLY RETURN OF DEPENDENTS

The Joint Travel Regulation, M7103 and M7104, lists a variety of reasons that can justify an early return of dependents. Those reasons, and the OPR for them, are sketched below. Chaplains may make referrals to agencies for support of an early return of dependents submission when the request falls outside of the chaplain's area of professional expertise.

Medical reasons include an injury or illness of dependents requiring care beyond what is available near the base, climate or geographically induced illness, unsanitary living conditions, a continuing emotional condition which impacts on the sponsor's ability to perform his duties, and the death or serious illness of the dependent who ordinarily provides care for the other dependents. These reasons will be attested to by the base hospital.

The base education officer can provide support when an early return is indicated because of educational needs that cannot be met in the local area.

Threat of war or public disturbances is another reason. Even when conditions are not so difficult as to order dependents be evacuated, the MAJCOM commander can give approval for early return of dependents.

Divorce and annulment also constitute adequate reasons for approval of an early return of dependents. Transportation will always be provided to dependents after a divorce, but their move must take place within 1 year of the final divorce decree or 6 months after the sponsor returns from overseas, whichever occurs first. Dependents may request an extension of up to 6 additional months (15:M7104).

The chaplain is not heavily involved in the areas listed above. His interventions are limited to M7103.2(7) which deals with personal reasons for an early return of dependents. Areas frequently used by chaplains are highlighted in the following paragraph.

> When determined that the best interests of the member or the member's dependents and the Government will be served by the transportation of one or more of the dependents for compelling personal reasons, such as financial difficulties, marital difficulties, unforeseen family problems, death or serious illness of close relatives, or for reasons of a humanitarian or compassionate nature, and in other situations which have an adverse effect on the member's performance of duty, such determination to be in the form of a statement of the approving authority (15:M7103.2(7)).

Because of professional knowledge of family dynamics, the chaplain is often called on to interpret whether the request for an early return of dependents meets the requirements listed in the paragraph above. The chaplain's letter can be considered sufficient grounds to approve the move

by the CBPO chief (9:v2 para 2-16). It is critical that the chaplain weigh the impact on the family before recommending their separation.

Another reason to include the chaplain is to preclude needless moves and family separation. The very separation induces stress on families. It can be as or more negative than the problem prompting the request to return to the United States. Because of the impact of a separation on the family, USAFE (US Air Force Europe) makes counseling with the chaplain mandatory before approving early return paperwork for personal reasons (10:2-11).

KEY ISSUES IN COUNSELING

Will Departure Help or Hurt the Family?

The chaplain needs to spend enough time with the family to ascertain whether the separation will improve or harm the situation. Commonly, only one member of the family will approach the chaplain, presenting his viewpoint. It is important to ensure that the spouse, or other dependents, share the member's viewpoint. Occasionally members will attempt to send their dependents away rather than dealing with problems. Likewise, dependents sometimes want an escape from the situation and request an early return. If the chaplain quickly recommends approval, he may be officiating over the demise of a marriage. He should therefore determine whether marital counseling will improve the situation.

The chaplain should treat early return requests as threats to family stability. As such he needs to spend adequate time in counseling to discover what the basic causes of dissatisfaction are. Sometimes they are the presenting reasons, other times not.

Would a Delay in Approval Be Better for the Family?

Would delaying the separation facilitate a resolution of the difficulty? Some crises pass with just a little time. That is particularly true of the initial "culture shock" attendant to moving into an alien culture. It is also true of homesickness and loneliness. It takes time for a new location and house to become a home. If the chaplain suggests delaying the move, the family may adapt to their environment. The chaplain can facilitate that adaptation by establishing contact between the family and well adjusted and enculturated families. Would learning the local language and customs make a big difference?

What Other Options are Available?

What other options are available besides a return to the CONUS? Would a part time job, travel, or volunteer work make the situation better? Are there organizations where the children can find friendships and support? Is financial aid available in moving to less expensive quarters, from Air Force Aid or advance pay, or from additional work by the sponsor or

dependent? What type of support network can be established from friends, chapel, clubs, school, and other organizations so that life will be improved?

Do the Dependents Plan to Return?

Will the dependents wish to return at a later date? If so, do they have the financial resources to accomplish that return and a later PCS? In almost every instance they will pay for a full round trip in the end. If they are short of money and hope to return later, choosing early return is a poor option.

Is Divorce Inevitable?

If the early return option is just an acknowledgement of a pending divorce, there is little harm in recommending for it. Of course, the chaplain will want to satisfy himself that reconciliation is highly unlikely. A discussion of how to mutually care for any children should be part of the counseling.

How Soon Will the DEROS (Rotation to CONUS) Arrive?

Another simple question is "How much time is left on the tour?" If the family is only trying to make the move during the summer vacation prior to the sponsor's PCS or trying to have a slightly longer vacation with the relatives, the chaplain will usually approve. The situation does not arise frequently, though, as dependents are authorized to depart at any time after the sponsor receives his printed PCS orders.

What if the Sponsor Refuses to Apply?

Sometimes dependents do not have sponsor approval to move. They do not need it. When the sponsor is either unavailable or declines to apply for the dependents, they may apply on their own behalf. This is a particularly valuable fact when the marital relationship is chaotic (15:M7103.1, M7104.4).

THE CHAPLAIN'S LETTER

The chaplain's concern is to do what is best for the family. When he believes that an early return of dependents is appropriate, he should prepare an official letter detailing his reasons.

He should, in addition to listing his reasons, indicate how well he is acquainted with the family. The better he knows them, the more impact his letter will have. If the chaplain has a question, he can find more information from the sponsor's commander or first sergeant. This would be particularly true when discussing how the family strain is impacting on duty performance. If there is a high degree of urgency involved, the chaplain may decide to call the CBPO chief to discuss the case.

Another useful factor to discuss with the family and enter into the letter is how the family will survive in the CONUS. What housing, family, and job resources are available to make the CONUS preferable to overseas?

If the dependents do not want an immediate return to the CONUS, the effective date should be listed as part of the application and on the chaplain's letter.

If an impending divorce is the reason, the chaplain should state that he does not believe that reconciliation is likely.

Any letter that reveals personal information about the family should be sent out with their approval. The letter does not need to give great detail about family troubles. Naming them or their categories is usually sufficient. CBPO and the commander recognize that the chaplain must treat personal information sensitively.

NORMAL COURSE OF REQUEST

Approval is nearly automatic after the chaplain recommends it. The family should be warned that orders and a port call could be in their hands within just a few days. If they have final trips they wish to take or business they must transact, they should request a date for approval. They should prepare themselves to settle any business promptly, and prepare to ship household goods and an automobile if applicable.

Chapter Eight

KEY PEOPLE TO ASSIST THE CHAPLAIN

In advocacy actions, the chaplain makes referrals or draws upon the expertise of many individuals and agencies. This chapter lists many of them with a few comments on how they can be of assistance to the chaplain.

MILITARY CONTACTS

Commanders and First Sergeants: They are the chaplain's best resource for working problems. They usually know the members of their squadrons, and often dependents, well. They can sometimes present the rest of the picture beyond what the counselee states. They do not have confidentiality and may have to take action against the service member, so the chaplain should exercise care in what topics he discusses with them. But it is often possible to resolve difficulties of Air Force members by talking with the commander or first sergeant.

Supervisors: They are good resources for discussing employee difficulties. The supervisor can often arrange for relief, especially in leave and work scheduling problems. His support is essential for anyone taking part in alcohol rehabilitation programs.

Senior Enlisted Advisor: He is charged to represent the enlisted force by serving on the staff of the installation commander. He can often be of help in raising issues for relief of individuals or groups of enlisted members. He also has the years of experience in the Air Force that give him the basis for advice.

Inspector General: The IG is usually the second ranking individual on base. He is tasked to solve problems and inquire into complaints that cannot be handled at a lower level. Visiting him is a last resort for a stubborn difficulty. However, he usually has an enlisted counterpart in his office who knows how to get things done on base and can be very helpful for chaplains involved in advocacy proceedings.

Family Support Center: These are agencies developed to facilitate family welfare on Air Force bases. They are led by trained counselors and provide programming including classes on parenting and marriage enrichment. They usually help dependents in locating employment. Family Services, with its lending closet for newly arrived or soon to depart families and its listing of brochures for other bases, is often co-located

at the Family Support Center. They may be good sources of information for referrals.

CBPO: The chaplain may frequently make use of both the military and civilian sides of CBPO. The chaplain deals primarily with the military side of CBPO. It handles reassignment and promotion questions, conscientious objector applications, correction of military records, and ID card applications. Personal Affairs, also within CBPO, is the office responsible for Air Force Aid, Military Assistance, and Casualty Assistance. Personal Affairs will gladly assist with information on retirement, passports, and dependent schools. It also manages the Family Services program. Civilian Personnel is the place to send those seeking civil service employment, and to check on civil service test schedules. It may handle Non-Appropriated Fund (NAF) employment as well.

AFMPC: The Air Force Military Personnel Center at Randolph AFB, Texas, can be a resource for discussing assignment and promotion issues when they are beyond CBPO's capability. The resource managers will be the main contact.

AFRPC: The Air Force Reserve Personnel Center in Denver, Colorado, is the contact, in addition to CBPO, for those who are or wish to become reservists. It manages programs like Palace Balance and Palace Chase.

Red Cross: The American Red Cross is staffed on each military base to assist with emergency notification of death or serious illness. As such, its messages are used by commanders in verifying the legitimacy of emergency leave requests. It can provide emergency grants or loans for emergency leave travel, for utilities, and for food. The Red Cross also sends welfare telegrams from dependents requesting support and telegrams from parents attempting to reestablish contact with children in the military. Red Cross is also a good organization where dependents can volunteer their efforts, resulting in improved personal morale and a healthier base. They can staff the Red Cross office or work in the hospital, dental clinic, or other offices on base. They can train others in first aid and childbirth.

Air Force Aid Society: Located in CBPO, this organization provides emergency financial assistance (non-interest loans and grants) and educational loans for active duty and dependents. Money may be available for emergency leave, purchase of food, payment of utilities, and payment of rent to avoid eviction. Ordinarily, families must stop here before seeking money from the Red Cross.

Legal Office: (Judge Advocates office) The lawyers there can share information on any state, federal, or military laws including taxes, adoption, child custody, and divorce. The legal assistance attorneys provide advice on family law problems, adoption, adequacy of contracts, and write letters to support claims for refunds from realtors, etc. They provide free legal assistance but not court representation on these and similar issues. They also prepare free powers-of-attorney and wills for service members and dependents.

Area Defense Counsel: The ADC is a defense lawyer. He is the contact when counselees face administrative or judicial proceedings in the Air Force. The ADC can establish a client relationship with them, yielding limited confidentiality, and will give them advice on dealing with the actions against them.

Finance Office: See them for questions on pay, leave, advance pay, allotments, and training in family financial management.

Hospital: Many programs are run under the auspices of the hospital. Some are preventive, such as smoking and weight control programs. The Mental Health office is likely to be the center for programs chaplains will recommend involvement in. Programs include Child Advocacy and CHAP, Spouse Abuse, and educational programs like PET and STEP. Mental Health is a natural referral when the chaplain suspects that counselees are seriously disturbed.

Social Actions: Substance abuse and human relations are the two emphases of this office. The substance abuse side of Social Actions will know the time and location of meetings of Alcoholics Anonymous, Alanon, and Alateen. A chaplain usually participates in the rehabilitation committee chaired by the Drug and Alcohol Officer. This committee evaluates the severity of service member's and dependent's drug and alcohol problems. It then recommends treatment programs of on base individual counseling, group counseling, or referral to a regional Drug and Alcohol Treatment Center. The human relations branch of Social Actions investigates sexual and racial discrimination complaints.

Base Education Office: They provide counseling and testing for education of military members and dependents. GED programs and college placement tests can be taken. They usually administer free or inexpensive remedial English classes. They also coordinate any colleges on base and arrange for financial assistance of military members and dependents who attend college.

Wives Clubs--Officers, NCO, Squadron, Oriental, Hispanic: The list may even be longer at some bases. Each club intends to provide friendships and support for its members. Participation can reduce the loneliness or alienation sometimes found in military wives.

Morale, Welfare, and Recreation: MWR provides a wide variety of programs and facilities for military families. They organize sports for all ages, youth and teen programs, and conduct fitness classes. They provide auto repair centers, arts and crafts facilities, rental equipment, and often rental vacation facilities, in addition to reduced price tickets and tours.

Child Care Center: This MWR facility provides child care during normal working hours; it has extended hours during military exercises. It can be helpful in taking the strain of caring for children off parents for a time. Child Care Centers are alert for any indication of abuse or inadequate parenting.

CIVILIAN CONTACTS

Congressmen: When a military member has not found satisfactory relief within the military appeals channels, he may wish to write to his congressman. This is the right of all citizens and prompts a very rapid response from the military. Congressional appeals should only be last resort actions.

Community Mental Health: Military members are often afraid that being seen by Mental Health on base could jeopardize their careers. They would like an alternative but are often unable to afford private counseling. Community Mental Health, with its sliding rate scales, places confidential mental health counseling within the financial reach of anyone.

Alcoholics Anonymous: This is the most successful program for recovery from alcoholism. Chapters are listed in the phone book or can be located by a call to Social Actions.

Alano and Alateen: These are support organizations for spouses and children, respectively, of substance abusers. Participation can provide knowledge of the dynamics of the abusive family, support the establishment of a healthier family, and prepare the family members to confront the alcohol abusing member of the family.

Legal Aid Society: These are organized in most towns to provide inexpensive or free legal aid. They provide many of the services that the base legal office does. The major difference is that they can represent their clients in court.

Shelters for Abused Spouses and Families: Shelters provide safety to protect abused spouses and children from the abusive family members. Spouse shelters often organize counseling and classes on dealing with aggression, establishing independence, and healthy family life.

Runaway Shelters: They provide a safe haven for runaways and abandoned children and are found in most cities. They are alert for signs of abuse in children. Programs to help the runaways reenter their families are sometimes featured.

Local Churches: Their resources include pastoral counseling, youth groups, family activities, and enrichment programs. Participation will strengthen most families.

Marriage Encounter and Other Growth Groups: Many organizations exist to strengthen family life. Referrals of counselees can be profitable.

Local Schools: They can often give further information on troubled children. Counselors from local schools can strengthen the base child advocacy program. These counselors provide testing and counseling for special needs of children.

Salvation Army: They provide transient housing for the destitute and are an inexpensive source of used clothing, household items, and furniture.

Adoption Agencies: Useful when dealing with a pregnant teenager or with a couple who wish to adopt children. There are both religious and private programs. Children of mixed race or with handicaps are usually more available for adoption.

Foster Homes: Foster programs are constantly looking for healthy families to participate. The chaplain may want to recommend that families support this program. They are also a good, voluntary option when parents are under a severe strain from parenting. A voluntary foster placement can provide the relief the family needs to deal constructively with the parent-child stress.

Hotlines: These are available on and off base for emergency calls. The counselors are usually well trained and have an extensive list of referral agencies. The chaplain could contact them to ask what agencies are available.

Community Resource Guides: These handbooks are available in most cities and near many bases. They list many of the referral sources this chapter has sketched. Check in the Chapel or call Mental Health to see if there is one for the local area.

Chapter Nine

CONCLUSIONS

This handbook has touched on a variety of circumstances where chaplains can serve as advocates. With the freedom of access to commanders and decision makers that chaplains enjoy in the Air Force, it is important to work at being effective in advocacy. The author hopes that chaplains will use this handbook to stimulate thinking and ministry in advocacy.

The topics dealt with in this manual are representative of the cases that chaplains face. The philosophy evident in these chapters will be necessary in other advocacy situations. The chaplain who cares for counselees while using sound professional knowledge and judgement will be effective. That chaplain will also be a credit to the chaplaincy and a worthy representative of the holy.

The first concern is always care for the counselee. Even when an advocacy intervention is not warranted or is unlikely to be successful, the chaplain still lives up to God's call by caring for the individual in need. The same care leads chaplains to be as proficient as possible in seeking to aide others.

The chaplain's professional knowledge is dynamic. Each chaplain enters the Air Force with basic counseling skills. They can be updated and made more effective by study of the necessary regulations, contact with the area experts on base, and attention to sound writing.

If knowledge is critical, sound judgement is even more so. The chaplain wins credibility with Air Force leaders by making difficult decisions. It is important to weigh each case to see if it is one on which to use influence. When intervention is warranted, the chaplain will by more successful if careful attention is given to strategy. To whom should a letter or call be directed? What timing will work best? What other alternatives are available? Can support be gathered for the counselee's case? What referrals are needed? As chaplains work within the large system that is the Air Force, these questions guide the formation of sound judgements.

> Do not withhold good from those who deserve it,
> when it is in your power to act.
>
> Proverbs 3:21-22,27 (NIV)

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